

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

PUBLIC EMPLOYEES' RETIREMENT  
ASSOCIATION OF COLORADO,

Plaintiff,

v.

TYCO INTERNATIONAL LTD., TYCO  
ELECTRONICS LTD., COVIDIEN LTD.,  
DENNIS KOZLOWSKI, MARK H. SWARTZ,  
FRANK E. WALSH, JR., and  
PRICEWATERHOUSECOOPERS, LLP,  
Defendants.

MDL No. 1335

08-CV-01341-PB

**AGREED ORDER AND  
FINAL JUDGMENT OF  
DISMISSAL OF TYCO  
INTERNATIONAL LTD.,  
TYCO ELECTRONICS LTD.  
AND COVIDIEN LTD. AND  
BAR ORDER**

**AGREED ORDER AND FINAL JUDGMENT OF DISMISSAL AGAINST  
DEFENDANTS TYCO INTERNATIONAL LTD., TYCO ELECTRONICS LTD., AND  
COVIDIEN LTD. AND BAR ORDER**

Public Employees' Retirement Association of Colorado ("Plaintiff") and Defendants Tyco International Ltd., Tyco Electronics Ltd. and Covidien Ltd. (each of them a "Settling Party" and collectively, the "Settling Parties"), having represented to the Court that they have entered into a settlement agreement that resolves all issues between and among them in the Complaint, and for good cause shown, the Court ORDERS:

1. Pursuant to Section 21D-4(f)(7)(A) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(f)(7)(A): (a) defendants L. Dennis Kozlowski, Mark H. Swartz, Frank E. Walsh, Jr. and PricewaterhouseCoopers LLP (collectively, the "Non-Settling Defendants"), and each of them, are hereby permanently barred, enjoined, and restrained from commencing, prosecuting, or asserting any claim for or otherwise seeking contribution against any Settling Party based upon, relating to, or arising out of the subject matter, allegations, transactions, facts, matters, occurrences, representations or omissions alleged, involved, set forth or referred to in the Complaint in this suit; and (b) except as provided in paragraph 6(c) of the accompanying Settlement Agreement and Release, each Settling Party is hereby permanently

barred, enjoined, and restrained from commencing, prosecuting, or asserting any claim for or otherwise seeking contribution for any amount paid in connection with this action against any other person based upon, relating to, or arising out of the subject matter, allegations, transactions, facts, matters, occurrences, representations or omissions alleged, involved, set forth or referred to in the Complaint in the suit.

2. Because there is no just reason for the delaying the entry of a final judgment with respect to the claims asserted by Plaintiff against the Settling Parties, all claims asserted by Plaintiff against the Settling Parties in the Complaint are **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 54(b). This action is not dismissed with respect to any claims against the Non-Settling Defendants.

3. The Clerk is directed to enter this Agreed Order and Final Judgment of Dismissal against Defendants Tyco International Ltd., Tyco Electronics Ltd. and Covidien Ltd. and Bar Order as a final judgment and send a copy of same to all counsel of record.

IT IS SO ORDERED.

Enter: 05/02/2009

/s/ Paul Barbadoro

The Hon. Paul Barbadoro  
United States District Judge

We ask for this:

/s/ Edward A. Haffer

Edward A. Haffer, Esq.

N.H. Bar #1052

SHEEHAN PHINNEY BASS & GREEN, P.A.

1000 Elm Street, 11th floor

Manchester, NH 03101

Elizabeth F. Edwards, Esq.

MCGUIREWOODS LLP

One James Center

901 East Cary Street  
Richmond, VA 23219

*Counsel for Tyco International Ltd., Tyco Electronics Ltd. and Covidien, Ltd.*

/s/ Andrew J. Entwistle  
Andrew J. Entwistle, Esq.  
ENTWISTLE & CAPPUCCI LLP  
30 Columbia Turnpike  
Florham Park, NJ 07932

*Counsel for Public Employees' Retirement Association of Colorado*

#### CERTIFICATE OF SERVICE

I certify that copies of the foregoing were served this date on the attached Service List through ECF or by mail for those on the list who do not have an ECF Registration.

/s/ Edward A. Haffer  
Edward A. Haffer

cc: Counsel of Record